

PART 115 GENERATOR/BROKER/PROCESSOR/END USER OBLIGATIONS

(6/10/09)

Rule	Generator Obligations	Broker Obligations	Product Producer Obligations	End User Obligations
114(2)(g) – low-hazard waste	<p>Makes a determination that the material meets the inert criteria. Notifies department of reuse. Maintains characterization records. Retests on an annual basis unless DEQ approves alternate testing. Reports on yearly basis volume reused on a form provided by DEQ. Certifies to broker/producer/end user that the material meets the inert criteria on annual basis or when process changes.</p>	<p>Gives copy of generator certification to the processor/end user on annual basis or when process changes</p>		
116 – Site specific inert	<p>Tests the material according to Rule 118 and submits petition. Complies with conditions of petition.</p>			<p>Maintains cap or required controls. Provides department with deed restriction.</p>
120b – Category 1	<p>Makes a determination that the material is not a regulated hazardous waste. Notifies department of reuse. Maintains characterization records. Retests on an annual basis.</p>	<p>Material being used as a raw material for manufacturing a product the broker notifies department that they will comply with conditions of the rules. Reports on yearly basis to department volume</p>	<p>Material being used as a raw material for manufacturing a product the processor notifies department that they will comply with conditions of the rules. Reports on yearly basis to department volume reused or transferred.</p>	<p>Complies with use directions/restriction</p>

	Reports on yearly basis volume reused. Certifies to broker/producer/end user that the material meets the Category 2 criteria.	reused or transferred.		
120b – Category 2	Makes a determination that the material meets the Category 2 criteria. Notify department of reuse. Maintains characterization records. Retests on an annual basis. Report on yearly basis to department volume reused. Certifies to broker/producer/end user that the material meets the Category 2 criteria.	Notifies department that they will comply with conditions of the rules. Gives copy of conditions to processor/end user. Reports on yearly basis to department volume reused or transferred.	Notifies department that they will comply with conditions of the rules. Gives copy of conditions or provides label with use directions/restrictions to end user. Reports on yearly basis to department volume reused or transferred.	Complies with use directions/restriction

R 299.4109 Generator/Broker/Processor/End Use Obligations

Rule 109. The storage, processing, or use of materials for beneficial reuse under this part shall be done in compliance with all of the following:

- (a) The material shall not be speculatively accumulated as defined in R 299.4105(I).**
- (b) The material shall be used in compliance with the Act.**
- (c) If the material is used for agricultural or silvicultural purposes the person who sells the material to an end user shall develop a label, in the case of bagged use, or a direction sheet, in the case of bulk use, that describes how the material shall be used.**
- (d) Any uses that contain conditions or restrictions on use shall be passed from:
 - (i) The generator to the broker, processor, or end user.**
 - (ii) The broker to the processor or end user.**
 - (iii) The processor to the end user.****
- (e) The generator of the material shall be responsible for reporting to the department the volume of material generated each year and the volume of material reused within each calendar year on a form provided by the department. The reports shall be due to the department by January 31 each year for the materials reused in the previous year.**
- (f) The end user shall use the material in compliance with the conditions/restrictions given to them by the generator, broker, or processor of the material.**
- (g) The storage and processing of materials for beneficial use under this part shall be done in a manner that does not create a “facility” as defined by part 201.**

“Broker” means a person that receives a material directly from the generator and sells/gives it to a processor or end user without changing the character or the material.

“Processor” means a person that receives a material from a generator or broker and changes the chemical or physical character of the material to make it useable as a resource by mixing or blending it with other materials.

“End user” means a person that receives a material from a generator, broker, or processor.